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Attorneys for Plaintiff RIC (SAN LEANDRO) LLC

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

RIC (SAN LEANDRO) LLC, a California  
limited liability company

Plaintiff,

v.

BRUCE DOUGLAS MILLER, an  
individual and Wyoming resident,  
PATRICK JOHN KOENTGES, an  
individual and Colorado resident,  
KENNETH EDWARD GREER, an  
individual and Colorado resident, GREEN  
SAGE, LLC, a Colorado limited liability  
company,

Defendants.

Case No. 3:23-cv-01501-CRB

**APPLICATION FOR DEFAULT  
JUDGMENT AS TO DEFENDANT  
KENNETH EDWARD GREER**

Hon. Charles R. Breyer

1 **TO THE CLERK OF THE ABOVE-CAPTIONED COURT:**

2 Plaintiff RIC (San Leandro) LLC, (“**Plaintiff**”) hereby requests that default  
3 judgment be entered against Defendant Kenneth Edward Greer (“**Greer**”) pursuant to Rule  
4 55(b)(1) of the Federal Rules of Civil Procedure (“**FRCP**”).

5 **Entry of Clerk’s Default:** Service by publication, pursuant to the Court’s  
6 authorization provided in its August 28, 2023 Order (Docket No. 28, as clarified in Docket  
7 No. 29) was completed on or about October 12, 2023, and evidenced by those Service by  
8 Publication statements Plaintiff filed at Docket Nos. 30-34. On October 31, 2023, Plaintiff  
9 filed a Motion for Entry of Default Against Greer (Docket No. 38). The Clerk issued a  
10 Notice of Entry of Default as to Greer on November 1, 2023 (Docket No. 40).

11 **Evidence Supporting Clerk’s Judgment:** Plaintiff now brings this Application,  
12 pursuant to FRCP 55(b)(1), seeking default judgment as against Greer. The declaration of  
13 Wesley Roitman, filed concurrently herewith, establishes proof of a sum certain due and  
14 owing to Plaintiff by Greer totaling \$51,507,018.29, pursuant to the parties’ Guaranty  
15 Agreement (defined in the Complaint). The requested amount is properly awardable by the  
16 Clerk, pursuant to FRCP 55(b)(1). Plaintiff asserts, on information and belief, that Greer is  
17 not in military service and are neither minors nor incompetent.

18 **Judgment To Be Entered:** Plaintiff requests that judgment be entered awarding  
19 damages to Plaintiff in the total amount of \$51,507,018.29. Prejudgment interest is  
20 authorized here pursuant to Section 7.2(b) of the Loan Agreement (defined in the  
21 Complaint), guaranteed by Greer. Plaintiff also requests that the judgment entered by the  
22 Clerk include an award of pre-judgment interest in the total amount of \$6,158,603.05.  
23 Accordingly, Plaintiff requests that the Clerk enter judgment in the total amount of  
24 \$57,665,621.34, which amount does not include attorneys’ fees.

25 Dated: January 5, 2024

**BRYAN CAVE LEIGHTON PAISNER LLP**

26 By: H. Mark Mersel

H. Mark Mersel

27 Attorneys for Plaintiff

28 RIC (SAN LEANDRO) LLC